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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TW 3

PLICANT:

Albert K. Chin

APPLICATION NO.:

09/635,345

FILING DATE:

August 9, 2000

TITLE:

Apparatus and Methods for Subxiphoid Endoscopic Access

EXAMINER:

Thomas C. Barrett

GROUP ART UNIT:

3738

ATTY. DKT. NO.:

80121-07179

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:

Dated:

20 05 01

Albert C. Smith; Reg. No.: 20,355

MAIL STOP AMENDMENT COMMISSIONER FOR PATENTS P.O. BOX 1450 ALEXANDRIA, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT Under 37 CFR §§ 1.56 and 1.97-98

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO/SB/08A listing references for consideration by the Examiner.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed:

within three months of the filing date of the application, or date of entry into
the national stage of an international application, or before the mailing date of
a first office action on the merits, whichever event last occurred;

before the mailing of a first official action after the filing of a request for

10/26/2005 FMETEKI1 00000008 09635345 continued examination (RCE) under 37 CFR § 1.114;

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\boxtimes	after th	ree mon	ths of the filing date of this national application or the date of
	entry of	f the nat	ional stage in an international application, or after the mailing
	date of	the first	official action on the merits, whichever event last occurred, but
	before	the mail	ing date of the first to occur of either: (1) a final action under
	37 CFR	R §1.113	; or (2) an action that otherwise closes prosecution in the
	applica	tion, and	d:
		attache	ed hereto is the fee set forth under 37 CFR §1.17(p) for
		submis	ssion of this Information Disclosure Statement under 37 CFR.§
		1.97(c)); OR
		Applic	ant certifies pursuant to 37 CFR § 1.97(e) that:
			each item of information contained in this Information
			Disclosure Statement was first cited in a communication from
			a foreign patent office in a counterpart foreign application not
			more than three months prior to the filing of this Statement;
			OR
			no item of information contained in this Information
			Disclosure Statement was cited in a communication from a
			foreign patent office in a counterpart foreign application and,
			to the knowledge of the person signing this certification after
			making reasonable inquiry, no item of information contained
			in this Statement was known to any individual designated
			under 37 CFR § 1.56(c) more than three months prior to the
			filing of this Statement;
	on or l	before th	ne payment of the issue fee but after the mailing date of the first
	to occ	ur of eit	her: (1) a final action under 37 CFR § 1.113; (2) a notice of
	allowa	ınce und	ler 37 CFR § 1.311; or (3) an action that otherwise closes
	prosec	ution in	the application, and:
		Applic	cant certifies pursuant to 37 CFR. § 1.97(e) that:
			each item of information contained in this Information
			Disclosure Statement was cited in a communication from a
			foreign patent office in a counterpart foreign application not
			more than three months prior to the filing of this Statement;
			no item of information contained in this Information
			Disclosure Statement was cited in a communication from a
			foreign patent office in a counterpart foreign application and,
			to the knowledge of the person signing this certification after
			making reasonable inquiry, no item of information contained

				in thi	s Statement was known to any individual designated
				unde	r 37 CFR § 1.56(c) more than three months prior to the
				filing	g of this Statement; AND
				attached here	eto is the fee set forth under 37 CFR §1.17(p) for
				submission o	of this Information Disclosure Statement under 37 CFR.§
				1.97(d); OR	
			after th	e payment of	the issue fee. Applicant requests that the information
			contair	ned in this Inf	formation Disclosure Statement be placed in the file
			accord	ing to 37 CFF	R § 1.97(i), although the information may not be
			consid	ered by the U	SPTO.
		Enclose	ed is a	copy of each l	listed reference that may be material to the examination of
		this app	licatio	n, and for wh	ich there may be a duty to disclose.
					er 35 U.S.C. § 120, on the earlier filing date of prior
		applicat	- tion No	o, fil	led on, and the references cited therein are hereby
					ired to be provided in this application under 37 CFR §
		1.98(d)		_	
	\boxtimes	Copies	of any	foreign paten	at documents and non-patent literature cited herein are
		enclose	d.		
		Each ite	em of i	nformation co	ontained in this Information Disclosure Statement was
		cited in	a com	munication fr	rom a foreign patent office in a counterpart application,
		and the	comm	unication was	s not received by any individual designated in 37 CFR §
		1.56(c)	more t	han thirty day	ys prior to the filing of this Information Disclosure
		Stateme	ent. 37	CFR § 1.704	4(d).
		Applica	ant sub	mits that no f	ee is required for the consideration of this Information
		Disclos	ure Sta	itement.	
	Consi	ideration	of the l	isted reference	ces and favorable action are solicited.
					Respectfully submitted,
					ALBERT K. CHIN
) 1		o < 5 -+
Dated:		10	100	101	By: a C. Smith
					Albert C. Smith; Reg. No.: 20,355 Fenwick & West LLP
					801 California Street
					Mountain View, CA 94041
					Tel.: (650) 355-7296
					Fax: (650) 938-5200

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO		Complete if Known
INFORMATION-DISCLOSURE	Application No.	09/635,345
INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Filing Date	August 9, 2000
STATEMENT BY APPLICANT	First Named Inventor	Albert K. Chin
OCT 2 5 2005 (C)	Art Unit	3738
	Examiner Name	Thomas C. Barrett
Sheet of 1	Attorney Docket Number	80121-07179

U.S. PATENT DOCUMENTS					
		Document No.			
Examiner Initials*	Cite No.1	Number – Kind Code² (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	
	A1	US 2002/0173622 A1	11-21-2002	Wettstein et al.	
	A2	US 2002/0177207 A1	11-28-2002	Sugiyama et al.	
				oughyania or an	

			FOREIGN PATENT DOCU	MENTS	
		Foreign Patent Document			
Examiner Initials*	Cite No.1	Country Code ³ – Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁶

		OTHER REFERENCES – NON-PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ⁶
	C1	MYERS, E. L. et al., "Tsg101, an Inactive Homologue of Ubiquitin Ligase E2, Interacts Specifically with Human Immunodeficiency Virus Type 2 Gag Polyprotein and Results in Increased Levels of Ubiquinated Gag", November 2002, pp.11226-11235, Vol. 76, No. 22, Journal of Virology, Cambridge, England.	
	C2	PCT International Search Report and Written Opinion; PCT/US04/00760, July 6, 2005, 7 pages.	
	C3	PCT Notification Concerning Transmittal of Copy of International Preliminary Report on Patentability; PCT/US2004/00760, August 25, 2005, 5 pages.	

Examiner Signature	Date Considered	

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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			Application Number	09/635,345
			Filing Date	August 9, 2000
TRANS	MITTAL FOR	M	First Named Inventor	Albert K. Chin
	rrespondence during pe led application)	endency of	Group Art Unit Number	3738
		_	Examiner Name	Thomas C. Barrett
Total Number of Pag	es in This Submission	7*	Attorney Docket Number	80121-07179
	ENCL	OSURES	(check all that apply	()
Return Receipt Response to Not Assignment & R Declaration Power of Attornet Application Data Information Disc Copie Request for Cor Request for Cor Amendment/Re After Status Request Revocation and	Form (in duplicate) ck Enclosed Postcard bitice to File Missing Par Recordation Cover Shee ey a Sheet closure Statement & PT es of IDS Cited Reference rected Filing Receipt rection of Recorded As esponse: [] Page(s) Final	ts O/SB/08A ces signment	Issue Fee Transi Letter to Chief Di Formal Drawing([] Sheet(s Appeal Commun Interferences Appeal Notice, Certified Copy of After Allowance	mittal raftsperson s): s) of Figure(s) [] ication to Board of Appeals and ication to Group Brief, Reply Brief) Priority Document(s) Communication to Group
REMARKS: *Total N	umber of Pages in This	Submission	does not include cited refere	ences.
	SIGNA	TURE OF	ATTORNEY OR AGE	NT
Signature:		A	(, Sunt	
Attorney/Reg. No.:	Albert C. Smith; Reg	. No.: 20,355	<u> </u>	Dated: [0(20(0,5
		CERTIFIC	ATE OF MAILING	
I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.				
Signature:	1		.(, Smith	
Typed or Printed Nan		1		Dated: 10(20(0)
Express Mail Mailing	ivumber (optional):			

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FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$) 180

Complete if Known				
Application Number	09/635,345			
Filing Date	August 9, 2000			
First Named Inventor	Albert K. Chin			
Examiner Name	Thomas C. Barrett			
Art Unit	3738			
Attorney Docket No.	80121-07179			

METHOD OF PAYMENT (check all that apply)	FEE CALCULATION (continued)					
☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None ☐ Deposit Account:	3. ADDITIONAL FEES					
Deposit Account Number 19-2555	<u>Large</u>	Entity	Small	Entity	Fee Description	Fee Paid
Deposit Account Name Fenwick & West LLP	Fee	Fee	Fee	Fee		
The Commissioner is authorized to: (check all that apply) ☐ Charge fee(s) indicated below ☑ Credit any overpayments ☑ Charge all required fee(s) or any underpayment of fee(s) due under 37 CFR §1.16 or §1.17 during the pendency of this	1051 1052 1053 1812	(\$) 130 50 130 2,520	2051 2052 1053 1812	(\$) 65 25 130 2,520	Surcharge - late filing fee or oath or declaration Surcharge - late provisional filing fee or cover sheet Non-English specification For filing a request for ex parte reexamination	
application Charge fee(s) indicated below, except for the filing fee to	1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
the above-identified deposit account.	1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
FEE CALCULATION	1251	120	2251	60	Extension for reply within first month	
1. BASIC FILING FEE	1252	450	2252	225	Extension for reply within second month	
Large Entity Small Entity	1253	1020	2253	510	Extension for reply within third month	
Fee Fee Fee Fee Description Fee Paid	1254	1,590	2254	795	Extension for reply within fourth month	
Code (\$) Code (\$)	1255 1401	2,160 500	2255 2401	1,080 250	Extension for reply within fifth month Notice of Appeal	
 	1401	500	2402	250	Filing a brief in support of an appeal	
	1403	1000	2403	500	Request for oral hearing	
	1451	1,510	1451	1,510	Petition to institute a public use proceeding	
	1452	500	2452	250	Petition to revive - unavoidable	
SUBTOTAL (1) (\$)	1453	1,500	2453	750	Petition to revive - unintentional	
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE	1501	1,400	2501	700	Utility issue fee (or reissue)	,
Extra Claims Fee from Fee Paid below	1502	800	2502	400	Design issue fee	
Total Claims -20** X =	1503	1100	2503	550	Plant issue fee	
Independent Claims X =	1460		1460		Petitions to the Director	
Multiple Dependent =	1807	50	1807	50	Processing fee for Provisional Applications	
Large Entity Small Entity	1806	180	1806	180	Submission of Information Disclosure Stmt	180
Fee Fee Fee Code (\$) Fee Description	8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1202 50 2202 25 Claims in excess of 20	1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1201 200 2201 100 Independent claims in excess of 3	1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1203 360 2203 180 Multiple dependent claim, if not paid	1801	790	2801	395	Request for Continued Examination (RCE)	
1204 200 2204 100 **Reissue independent claims over original patent	1802	900	1802	900	Request for expedited examination of a design application	
1205 50 2205 25 **Reissue claims in excess of 20 and over original patent	Other	Other fee (specify)				
SUBTOTAL (2) (\$)					SUBTOTAL (3) (\$) 180	
"or number previously paid, if greater, For Reissues, see above	*Reduc	ed by Basi	c Filing F	ee Paid	 _	

SUBMITTED BY			Complete (if applicable)		
Name (Print/Type)	Albert C. Smith	Registration No. (Attorney/Agent) 20,355		Telephone (650) 355-7296	
Signature	9.	. C. Smith	Date	20/05/01	